



Sen. Linda Holmes

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LRB101 06747 SLF 56588 a

1 AMENDMENT TO SENATE BILL 61

2 AMENDMENT NO. _____. Amend Senate Bill 61 by replacing
3 everything after the enacting clause with the following:

4 "Section 10. The Animal Welfare Act is amended by changing
5 Sections 2, 3, 3.2, 3.3, 20.5, and 21 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

7 Sec. 2. Definitions. As used in this Act unless the context
8 otherwise requires:

9 "Department" means the Illinois Department of Agriculture.

10 "Director" means the Director of the Illinois Department of
11 Agriculture.

12 "Pet shop operator" means any person who sells, offers to
13 sell, exchange, or offers for adoption with or without charge
14 or donation dogs, cats, birds, fish, reptiles, or other animals
15 customarily obtained as pets in this State. However, a person
16 who sells only such animals that he has produced and raised

1 shall not be considered a pet shop operator under this Act, and
2 a veterinary hospital or clinic operated by a veterinarian or
3 veterinarians licensed under the Veterinary Medicine and
4 Surgery Practice Act of 2004 shall not be considered a pet shop
5 operator under this Act.

6 "Dog dealer" means any person who sells, offers to sell,
7 exchange, or offers for adoption with or without charge or
8 donation dogs in this State. However, a person who sells only
9 dogs that he has produced and raised shall not be considered a
10 dog dealer under this Act, and a veterinary hospital or clinic
11 operated by a veterinarian or veterinarians licensed under the
12 Veterinary Medicine and Surgery Practice Act of 2004 shall not
13 be considered a dog dealer under this Act.

14 "Secretary of Agriculture" or "Secretary" means the
15 Secretary of Agriculture of the United States Department of
16 Agriculture.

17 "Person" means any person, firm, corporation, partnership,
18 association or other legal entity, any public or private
19 institution, the State of Illinois, or any municipal
20 corporation or political subdivision of the State.

21 "Kennel operator" means any person who operates an
22 establishment, other than an animal control facility,
23 veterinary hospital, or animal shelter, where dogs or dogs and
24 cats are maintained for boarding, training or similar purposes
25 for a fee or compensation.

26 "Boarding" means a time frame greater than 12 hours or an

1 overnight period during which an animal is kept by a kennel
2 operator.

3 "Cat breeder" means a person who sells, offers to sell,
4 exchanges, or offers for adoption with or without charge cats
5 that he or she has produced and raised. A person who owns, has
6 possession of, or harbors 5 or less females capable of
7 reproduction shall not be considered a cat breeder.

8 "Dog breeder" means a person who sells, offers to sell,
9 exchanges, or offers for adoption with or without charge dogs
10 that he has produced and raised. A person who owns, has
11 possession of, or harbors 5 or less females capable of
12 reproduction shall not be considered a dog breeder.

13 "Animal control facility" means any facility operated by or
14 under contract for the State, county, or any municipal
15 corporation or political subdivision of the State for the
16 purpose of impounding or harboring seized, stray, homeless,
17 abandoned or unwanted dogs, cats, and other animals. "Animal
18 control facility" also means any veterinary hospital or clinic
19 operated by a veterinarian or veterinarians licensed under the
20 Veterinary Medicine and Surgery Practice Act of 2004 which
21 operates for the above mentioned purpose in addition to its
22 customary purposes.

23 "Animal shelter" means a facility operated, owned, or
24 maintained by a duly incorporated humane society, animal
25 welfare society, or other non-profit organization for the
26 purpose of providing for and promoting the welfare, protection,

1 and humane treatment of animals. An organization that does not
2 have its own building that maintains animals solely in foster
3 homes or other means is an "animal shelter" for purposes of
4 this Act. "Animal shelter" also means any veterinary hospital
5 or clinic operated by a veterinarian or veterinarians licensed
6 under the Veterinary Medicine and Surgery Practice Act of 2004
7 which operates for the above mentioned purpose in addition to
8 its customary purposes.

9 "Day care operator" means a person who operates an
10 establishment, other than an animal control facility,
11 veterinary hospital, or animal shelter, where dogs or dogs and
12 cats are kept for a period of time not exceeding 12 hours.

13 "Foster home" means an entity that accepts the
14 responsibility for stewardship of animals that are the
15 obligation of an animal shelter, ~~or~~ animal control facility, or
16 transport group not to exceed 4 foster animals or 2 litters
17 under 12 weeks of age at any given time. A written agreement
18 ~~permits~~ to operate as a "foster home" may shall be contracted
19 with issued through the animal shelter, ~~or~~ animal control
20 facility, or transport group.

21 "Guard dog service" means an entity that, for a fee,
22 furnishes or leases guard or sentry dogs for the protection of
23 life or property. A person is not a guard dog service solely
24 because he or she owns a dog and uses it to guard his or her
25 home, business, or farmland.

26 "Guard dog" means a type of dog used primarily for the

1 purpose of defending, patrolling, or protecting property or
2 life at a commercial establishment other than a farm. "Guard
3 dog" does not include stock dogs used primarily for handling
4 and controlling livestock or farm animals, nor does it include
5 personally owned pets that also provide security.

6 "Release" means to set free.

7 "Return" in a return to field or trap, neuter, return
8 program means to return the cat to the location where it was
9 found after it has been sterilized and vaccinated for rabies.

10 "Sentry dog" means a dog trained to work without
11 supervision in a fenced facility other than a farm, and to
12 deter or detain unauthorized persons found within the facility.

13 "Transport group" means a non-profit organization located
14 in this State that does not have a building or facility that
15 transports or transfers animals among animal shelters or animal
16 control facilities, or both for adoption, release, return, or
17 transfer.

18 "Probationary status" means the 12-month period following
19 a series of violations of this Act during which any further
20 violation shall result in an automatic 12-month suspension of
21 licensure.

22 "Owner" means any person having a right of property in an
23 animal, who keeps or harbors an animal, who has an animal in
24 his or her care or acts as its custodian, or who knowingly
25 permits a dog to remain on any premises occupied by him or her.

26 "Owner" does not include a feral cat caretaker participating in

1 a trap, spay/neuter, vaccinate, return or release program.

2 (Source: P.A. 99-310, eff. 1-1-16; 100-842, eff. 1-1-19;
3 100-870, eff. 1-1-19; revised 10-22-18.)

4 (225 ILCS 605/3) (from Ch. 8, par. 303)

5 Sec. 3. (a) Except as provided in subsection (b) of this
6 Section, no person shall engage in business as a pet shop
7 operator, dog dealer, kennel operator, day care operator, dog
8 breeder, or cat breeder or operate a guard dog service, an
9 animal control facility, or animal shelter, ~~or any combination~~
10 ~~thereof~~, in this State without a license therefor issued by the
11 Department. If one business conducts more than one such
12 operation, each operation shall be licensed separately. Only
13 ~~one license shall be required for any combination of businesses~~
14 ~~at one location, except that a separate license shall be~~
15 ~~required to operate a guard dog service.~~ Guard dog services
16 that are located outside this State but provide services within
17 this State are required to obtain a license from the
18 Department. Out-of-state guard dog services are required to
19 comply with the requirements of this Act with regard to guard
20 dogs and sentry dogs transported to or used within this State.

21 (b) This Act does not apply to a private detective agency
22 or private security agency licensed under the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004 that provides guard dog or
25 canine odor detection services and does not otherwise operate a

1 kennel for hire.

2 (Source: P.A. 100-842, eff. 1-1-19.)

3 (225 ILCS 605/3.2)

4 Sec. 3.2. Foster homes. A person shall not operate a foster
5 home without affiliating by formal written agreement with an
6 animal shelter, animal control facility, or transport group for
7 which that person will operate the foster home. ~~first obtaining~~
8 ~~a permit from the animal shelter or animal control facility for~~
9 ~~which that person will operate the foster home.~~ The animal
10 shelter, animal control facility, or transport group shall be
11 responsible for the records and have the obligation of
12 stewardship for animals in the foster home with which it
13 affiliates. ~~Upon application and payment of the required fees~~
14 ~~by the animal shelter, the Department shall issue foster home~~
15 ~~permits to the animal shelter. The animal shelter shall be~~
16 ~~responsible for the records and have all the obligations of~~
17 ~~stewardship for animals in the foster homes to which it issues~~
18 ~~permits.~~

19 Foster homes shall provide the care for animals required by
20 this Act and shall report any deviation that might affect its
21 adherence to its written agreement with the affiliating animal
22 shelter, animal control facility, or transport group ~~the status~~
23 ~~of the license or permit to the animal shelter.~~ If the subject
24 of a complaint, a foster home may be inspected by the
25 Department under the Department's licensing authority relative

1 to the affiliating animal shelter or animal control facility.

2 A foster home shall not care for more than 4 foster animals
3 or more than 2 litters under 12 weeks of age at any one time.

4 (Source: P.A. 100-870, eff. 1-1-19.)

5 (225 ILCS 605/3.3)

6 Sec. 3.3. Adoption of dogs and cats.

7 (a) An animal shelter or animal control facility shall not
8 adopt out any dog or adopt out or return to field or release
9 any cat unless it has been sterilized and microchipped.
10 However, an animal shelter, ~~or~~ animal control facility may
11 adopt out a dog or cat that has not been sterilized and
12 microchipped if:

13 (1) if the cat or dog is less than 5 months of age and
14 the licensee takes the animal to a licensed veterinarian
15 for sterilization and the adopting owner picks up the
16 animal from the veterinarian after the sterilizing
17 procedures have been performed on the animal. The adopting
18 owner is responsible for all veterinary and boarding fees,
19 or the adopting owner has executed a written agreement
20 agreeing to have sterilizing and microchipping procedures
21 performed on the animal to be adopted within a specified
22 period of time not to exceed 30 days after the date of the
23 adoption, or

24 (2) the adopting owner has executed a written agreement
25 to have sterilizing and microchipping procedures performed

1 within 14 days after a licensed veterinarian certifies the
2 dog or cat is healthy enough for sterilizing and
3 microchipping procedures, and a licensed veterinarian has
4 certified that the dog or cat is too sick or injured to be
5 sterilized or it would be detrimental to the health of the
6 dog or cat to be sterilized or microchipped at the time of
7 the adoption.

8 (b) An animal shelter or animal control facility may adopt
9 out any dog or cat that is not free of disease, injury, or
10 abnormality if the disease, injury, or abnormality is disclosed
11 in writing to the adopter, and the animal shelter or animal
12 control facility allows the adopter to return the animal to the
13 animal shelter or animal control facility.

14 (c) The requirements of subsections (a) and (b) of this
15 Section do not apply to adoptions subject to Section 11 of the
16 Animal Control Act.

17 (Source: P.A. 96-314, eff. 8-11-09.)

18 (225 ILCS 605/20.5)

19 Sec. 20.5. Administrative fines. The following
20 administrative fines shall be imposed by the Department upon
21 any person or entity who violates any provision of this Act or
22 any rule adopted by the Department under this Act:

23 (1) For the first violation, a fine of \$1,000 ~~\$500~~.

24 (2) For a second violation that occurs within 2 ~~3~~ years
25 after the first violation, a fine of \$2,500 ~~\$1,000~~.

1 (3) For a third violation that occurs within 3 years
 2 after the first violation, mandatory probationary status
 3 and a fine of \$3,000 ~~\$2,500~~.

4 If a person or entity fails or refuses to pay an
 5 administrative fine authorized by this Section, the Department
 6 may prohibit that person or entity from renewing a license
 7 under this Act until the fine is paid in full. Any penalty of
 8 \$500 or more not paid within 120 days of issuance by the
 9 Department shall be submitted to the Department of Revenue for
 10 collection as provided under the Illinois State Collection Act
 11 of 1986.

12 (Source: P.A. 98-855, eff. 8-4-14.)

13 (225 ILCS 605/21) (from Ch. 8, par. 321)

14 Sec. 21. The following fees shall accompany each
 15 application for a license, which fees shall not be returnable:

16 a. for an original license to an individual \$350 ~~\$25~~

17 b. for an original license to a partnership, animal
 18 shelter, animal control facility, or transport group, or

19 corporation..... \$350 ~~\$25~~

20 c. for an annual renewal license for an animal shelter,
 21 animal control facility, or transport group, \$50; for all other
 22 renewal licenses, \$100 \$25

23 d. for each branch office license \$100 ~~\$25~~

24 e. for the renewal of any license not renewed by
 25 July 1 of the year \$400 ~~\$40~~

1 f. (blank) ~~for a permit for a foster home~~ \$25

2 g. (blank) ~~for renewal of a permit for a foster home ..~~ \$25

3 (Source: P.A. 89-178, eff. 7-19-95.)

4 Section 15. The Animal Control Act is amended by changing
5 Sections 2.01, 2.07, 2.16, 11, 15, 24, and 35 and by adding
6 Sections 2.19-1, 2.19-3, and 2.19a-5 as follows:

7 (510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

8 Sec. 2.01. Administrator. "Administrator" means a
9 veterinarian licensed by the State of Illinois and appointed
10 pursuant to this Act, or ~~in the event a veterinarian cannot be~~
11 ~~found and appointed pursuant to this Act,~~ a non-veterinarian
12 may serve as Administrator under this Act. In the event the
13 Administrator is not a veterinarian, the Administrator shall
14 defer to the Deputy Administrator ~~veterinarian~~ regarding all
15 medical decisions.

16 (Source: P.A. 93-548, eff. 8-19-03.)

17 (510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

18 Sec. 2.07. Deputy Administrator. "Deputy Administrator"
19 means a veterinarian licensed by the State of Illinois,
20 appointed by the Administrator or the County Board.

21 (Source: P.A. 93-548, eff. 8-19-03.)

22 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

1 Sec. 2.16. Owner. "Owner" means any person having a right
2 of property in an animal, or who keeps or harbors an animal, or
3 who has it in his care, or acts as its custodian, or who
4 knowingly permits a dog to remain on any premises occupied by
5 him or her. "Owner" does not include a feral cat caretaker
6 participating in a trap, spay/neuter, vaccine, return or
7 release program.

8 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

9 (510 ILCS 5/2.19-1 new)

10 Sec. 2.19-1. Release. "Release" means to set free.

11 (510 ILCS 5/2.19-3 new)

12 Sec. 2.19-3. Return. "Return" in a return to field or trap,
13 neuter, return program means to return the cat to the location
14 where it was found after it has been sterilized and vaccinated
15 for rabies.

16 (510 ILCS 5/2.19a-5 new)

17 Sec. 2.19a-5. Transport group. "Transport group" means a
18 non-profit organization located in this State that does not
19 have a building or facility that transports or transfers
20 animals among animal shelters or animal control facilities, or
21 both for adoption, release, return, or transfer.

22 (510 ILCS 5/11) (from Ch. 8, par. 361)

1 Sec. 11. Animal placement. When not redeemed by the owner,
2 agent, or caretaker, a dog or cat must be scanned for a
3 microchip. If a microchip is present, the registered owner or
4 chip purchaser if the purchaser was a nonprofit organization,
5 animal shelter, animal control facility, pet store, breeder, or
6 veterinary office must be notified. After contact has been made
7 or attempted, dogs ~~or cats~~ deemed adoptable by the animal
8 control facility shall be offered for adoption, or made
9 available to a licensed animal shelter, humane society or
10 rescue group, or transport group. After contact has been made
11 or attempted, the animal control facility may either: (1) offer
12 the cat for adoption; (2) return, transfer, or release the cat
13 after sterilization; or (3) make the cat available to a
14 licensed animal shelter, animal control facility, or transport
15 group. If no placement is available, the animal may be humanely
16 dispatched pursuant to the Humane Euthanasia in Animal Shelters
17 Act. An animal control facility, animal pound or animal shelter
18 shall not adopt or release any dog or cat to anyone other than
19 the owner unless the animal has been rendered incapable of
20 reproduction and microchipped or if the cat or dog is less than
21 5 months of age and the licensee takes the animal to a licensed
22 veterinarian for sterilization and the adopting owner picks up
23 the animal from the veterinarian after the sterilizing
24 procedures have been performed on the animal. The adopting
25 owner is responsible for all veterinary and boarding fees., ~~or~~
26 ~~the person wishing to adopt an animal prior to the surgical~~

1 ~~procedures having been performed shall have executed a written~~
2 ~~agreement promising to have such service performed, including~~
3 ~~microchipping, within a specified period of time not to exceed~~
4 ~~30 days. Failure to fulfill the terms of the agreement shall~~
5 ~~result in seizure and impoundment of the animal and any~~
6 ~~offspring by the animal pound or shelter, and any monies which~~
7 ~~have been deposited shall be forfeited and submitted to the~~
8 ~~county Pet Population Control Fund on a yearly basis.~~ This Act
9 shall not prevent humane societies, transport groups, or animal
10 shelters from engaging in activities set forth by their
11 charters; provided, they are not inconsistent with provisions
12 of this Act and other existing laws. No animal shelter or
13 animal control facility shall release dogs or cats to an
14 individual representing a rescue group or transport group,
15 unless the group has been licensed ~~or has a foster care permit~~
16 ~~issued~~ by the ~~Illinois~~ Department of Agriculture or is a
17 representative of a not-for-profit out-of-state organization,
18 animal shelter, or animal control facility. The Department may
19 suspend or revoke the license of any animal shelter, transport
20 group, or animal control facility that fails to comply with the
21 requirements set forth in this Section or that fails to report
22 its intake and euthanasia statistics as required by law each
23 year.

24 (Source: P.A. 100-870, eff. 1-1-19.)

1 Sec. 24. Limitations. Nothing in this Act shall be held to
2 limit in any manner the power of any municipality or other
3 political subdivision to prohibit animals from running at
4 large, nor shall anything in this Act be construed to, in any
5 manner, limit the power of any municipality or other political
6 subdivision to further control and regulate dogs, cats or other
7 animals in such municipality or other political subdivision
8 provided that no regulation, policy or ordinance is specific to
9 breed.

10 (Source: P.A. 93-548, eff. 8-19-03.)

11 (510 ILCS 5/35)

12 Sec. 35. Liability.

13 (a) Any municipality, ~~or~~ political subdivision, or State
14 university or community college allowing feral cat colonies and
15 trap, sterilize, vaccine, and return or release programs to
16 help control cat overpopulation shall be immune from criminal
17 liability and shall not be civilly liable, except for willful
18 and wanton misconduct, for damages that may result from a feral
19 cat. Any municipality or political subdivision allowing dog
20 parks shall be immune from criminal liability and shall not be
21 civilly liable, except for willful and wanton misconduct, for
22 damages that may result from occurrences in the dog park.

23 (b) Any veterinarian, ~~or~~ animal shelter, or ~~or~~ animal control
24 facility, or transport group who in good faith contacts the
25 registered owner, agent, or caretaker of a microchipped animal

1 shall be immune from criminal liability and shall not, as a
2 result of his or her acts or omissions, except for willful and
3 wanton misconduct, be liable for civil damages.

4 (c) Any veterinarian who sterilizes feral cats and any
5 feral cat caretaker who traps cats for a trap, sterilize,
6 vaccine, and return or release program shall be immune from
7 criminal liability and shall not, as a result of his or her
8 acts or omissions, except for willful and wanton misconduct, be
9 liable for civil damages.

10 (d) Any animal shelter, ~~or~~ animal control facility, or
11 transport group worker who microchips an animal shall be immune
12 from criminal liability and shall not, as a result of his or
13 her acts or omissions, except for willful and wanton
14 misconduct, be liable for civil damages.

15 (Source: P.A. 97-240, eff. 1-1-12.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".